

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JASMINE ANKENY, MISTY ANKENY, and ALEXANDER ANKENY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANTHONY FOOTE,

Respondent-Appellant,

and

ELISABETH FOOTE,

Respondent.

In the Matter of JASMINE ANKENY, MISTY ANKENY, and ALEXANDER ANKENY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ELISABETH FOOTE,

Respondent-Appellant,

and

ANTHONY FOOTE,

Respondent.

UNPUBLISHED

June 2, 2005

No. 258947

St. Clair Circuit Court

Family Division

LC No. 03-000329-NA

No. 259163

St. Clair Circuit Court

Family Division

LC No. 03-000329-NA

Before: Neff, P.J., and Owens and Fort Hood, JJ.

PER CURIAM.

In these consolidated appeals, respondents Anthony and Elisabeth Foote appeal as of right from the termination of their parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

This is not an easy case. All three children had a very strong bond with their parents and extended family. However, the trial court was more persuaded by evidence showing insufficient response to the conditions necessitating foster care. While the case was initiated primarily because of environmental neglect, other serious problems surfaced during the course of the family's involvement with FIA. Respondents appeared at all hearings and seemed sincere and determined to do what was necessary to regain the children. They made progress on their home and job situations. However, every time respondents began to make progress, they could not sustain it and the demands of working and caring for three children proved too difficult.

The trial court did not clearly err in finding clear and convincing evidence to establish the statutory grounds for termination of respondents' parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). Respondents had a serious and long-standing problem with cleanliness of their home. While the children were wards of the court, respondents were homeless for several months. They obtained a new apartment that was cleaner, but still not adequate for the children. Respondents had trouble maintaining employment and services were terminated after respondent father threatened to kill two workers if his parental rights were terminated. Other important parts of the service plan remained unsatisfied. Respondents ceased marital counseling. Respondent father did not follow through with counseling and did not benefit from anger management classes. Respondent mother did not obtain a psychological evaluation until late in the case and was not benefiting from counseling. Services had been provided on and off since 2001. The conditions necessitating the wardship were not corrected sufficiently to assure the children proper care and custody and to keep them safe from harm.

Further, the evidence failed to show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356-357. Despite evidence of a bond between children and parents, the evidence of instability and poor home conditions was strong and not likely to be remedied within a reasonable time. The children need a safe, stable, permanent home, which respondents cannot provide. Because the evidence satisfied the statutory standards and the trial court did not clearly err in its determination, we affirm.

Affirmed.

/s/ Janet T. Neff
/s/ Donald S. Owens